

Dignity At Work and Grievance Policy

This policy replaces the previous versions of the Grievance Policy and the Bullying and Harassment Policy



Summary

Everyone has the right to expect to be treated with consideration, dignity and respect at RBKC. We work together in partnership with everyone and adopt a fair and involving approach in all of our interactions.

Bullying, harassment, victimisation or discrimination of any kind are in no-one's interest and will not be tolerated at RBKC, but if you are being subjected to any unwanted behaviour it can be difficult to know what to do about it.

Importantly, all individuals have a responsibility to behave in ways which support an inclusive and tolerant working environment. Everyone should play their part in making the organisation's policy a reality and be prepared to challenge inappropriate behaviour and take action if they know that someone is being harassed.

For the avoidance of doubt, this policy covers grievance complaints as well as bullying, harassment, victimisation and / or discrimination complaints.

Under the Equality Act 2010, harassment is unwanted conduct which is related to one of the following: age, disability, gender reassignment, race, religion or belief, sex and sexual orientation and is therefore unlawful.

Bullying and harassment means any unwanted behaviour that makes someone feel intimidated, degraded, humiliated or offended. It is not necessarily always obvious or apparent to others, and may happen in the workplace without an employer's awareness.

Bullying or harassment may be by an individual against an individual (perhaps by someone in a position of authority such as a manager or supervisor) or involve groups of people. It may be obvious, or it may be insidious.

Examples of bullying/harassing behaviour include: spreading malicious rumours, or insulting someone by word or behaviour (particularly on the grounds of age, race, sex, disability, sexual orientation and religion or belief) copying communications that are critical about someone to others who do not need to know, which may include social media e.g cyber bullying.

Employees found guilty of harassment or bullying may face disciplinary penalties, up to and including dismissal, could be personally liable to pay compensation in legal claims, and may find their own family and social relationships are adversely affected. Serious harassment may be a criminal offence.

Principles

The council recognises that going through a formal procedure can be a stressful and upsetting experience for all parties involved. Therefore, we encourage employees to try to resolve any difficulties informally in the first instance.

Everyone involved in the process at either the informal or formal stage is entitled to be treated with dignity and respect.

- All employees involved in this process must maintain confidentiality.
- This policy covers all RBKC Council employees, the principles apply to agency workers.
- Employees can be accompanied by a colleague or trade union official at all stages of this process.
- Employees should raise a complaint under this policy within 3 months of the initial 'incident' having happened.
- Grievances submitted will be assumed to have been made in good faith. In the event of spurious or malicious complaints/allegations being made by employees, such employees may be subject to disciplinary action.
- Employees are advised to speak to their manager, dignity at work advisers, trade union representative, HR advisor or the council's confidential EAP if they need further support.

Scope

What will not be considered under this Policy?

If an employee has experienced discrimination, bullying, harassment or victimisation by members of the public or service users, the matter should be dealt with using the council's complaints procedure.

The following issues will also not be considered under this procedure, these are issues that

- relate to any disciplinary action taken against an employee; this should be dealt with as an appeal under the disciplinary procedure
- are the subject of collective negotiation or consultation with recognised trade unions, including reorganisations
- Are over 3 months old, (however employees may refer to earlier matters if they believe that they support the complaint). Or where an employee has left.
- relate to a term or condition of employment or are about a term or condition of employment within the written particulars of employment (this does not affect statutory and contractual rights to raise a complaint about the application of terms and conditions)
- are part of issues which have previously been investigated and concluded (IE the case will not re-opened)
- are covered by statutory controls such as Income Tax, National Insurance and Pension Schemes
- are covered by other national or local appeals procedures

Complaints which are being processed will come to a stop when an employee leaves. A complaint that is made after an employee leaves will not be considered.

In the First Instance – Informal Resolution

Where an employee feels able to and has concerns about aspects of their work, or, are not being treated fairly because of any way that they may be viewed as different to others, they should attempt to resolve the matter informally (part 1 of the 'Dignity at Work raise an issue' form) with their line manager and/or through mediation. If these attempts are not successful, it may be appropriate to raise a formal (stage 1) complaint under this policy.

Mediation may be appropriate, depending on the nature of the complaint. Mediation will be used only where all parties involved in the grievance agree, and if either side does not wish to participate in mediation this will not be considered to be an indication of either blame or intent. It is envisaged that both parties involved in the grievance will be encouraged to consider using the mediation process as part of the informal stage of this policy.

How does Mediation work?

Mediation involves the appointment of an impartial mediator who will discuss the issues raised by an employee's grievance with all of those involved and seek to facilitate a resolution. The process is confidential and individual and joint sessions may be appropriate. Mediation allows an opportunity for both parties to explore the situation in a safe, confidential & impartial environment. Typically, mediation can last up to a day and will be attended by both parties, held in a neutral, private venue. The aim is that both parties will determine a mutually satisfactory outcome although there is no obligation to reach an agreement and the employee can revert to the formal process where no solution can be reached informally with the use of mediation.

The formal process

Stage 1

Making A Formal Complaint:

Employee:

Employees must follow the steps below to raise a complaint formally if they are unable to resolve a problem or concern with their manager through normal management processes, or through mediation.

- The employee must put the complaint in writing, by completing Part 2 of the dignity at work form
- set out clearly the nature of the formal complaint, what attempts have been made to resolve the matter informally, and indicate the outcome that is sought
- sign and date the formal complaint and submit to their manager as soon as possible and within 3 months of the issue or incident complained about
- if the formal complaint is about their manager, consider whether to submit the complaint to their manager's manager
- send a copy of the written complaint to the relevant HR Business Partner
- Ensure that they attend the formal complaint meeting at the specified time. If the employee is unable to attend because of circumstances beyond their control, they should inform their line manager as soon as possible. If they fail to attend without explanation, or if it appears that they have not made sufficient attempts to attend, the meeting may take place in their absence
- If they are dissatisfied with the outcome, they may make a formal appeal. This should be done within 10 working days of the written notification of the outcome of the Stage 1.

The complaint submitted or remedy sought may not be changed or added to at any stage within the Formal Complaint Procedure, although it is noted that an alternative remedy may in the end be agreeable to both parties.

Further attempts may be made to resolve the matter informally, e.g. through mediation, depending on the nature of the complaint. However, if the employee is not satisfied with the outcome, they may insist on the matter proceeding to a formal complaint at stage 2.

Stage 2

Complaint Appeal:

Employees must:

- put their complaint in writing, headed "Formal complaint appeal"
- set out clearly the grounds of their appeal, why they are not happy with the outcome and/or recommendations in the Stage 1 decision
 - Using the three points below, your appeal must be specifically based on what has not been addressed;
 1. a procedural error that has not been acknowledged or corrected
 2. presentation of relevant and proportionate new evidence that was not available at the time of the grievance investigation
 3. an incorrect or disproportionate finding on the balance of probability that materially changes the outcome
- include a copy of the formal complaint meeting outcome letter with the appeal
- sign and date the appeal, and give this to the Stage 1 manager within 10 working days of receipt of the Stage 1 decision
- send a copy of all documents to the HR Business Partner
- Ensure that they attend the appeal meeting at the specified time. If they are unable to attend because of circumstances beyond their control, employees should inform the Stage 2 manager as soon as possible. If they fail to attend without explanation, or if it appears that they have not made sufficient attempts to attend, the meeting may take place in their absence.
- Be aware that the outcome of the appeal meeting will be final.

Employee has a complaint

- Employee endeavours to resolve informally if appropriate, using 'Raise an issue Form'
- Opportunity to request mediation through line manager with view to resolution
- Remedy found

Complaint cannot be resolved informally

- Employee raises formal 1st stage complaint
- Manager acknowledges complaint within 5 days or as soon as possible thereafter of receipt of complaint

Investigation takes place

- Manager holds meeting with employee, investigates, conducts interviews and gathers relevant information within recommended timescale of 20 working days of receipt of complaint. Where, due to the matter of the complaint, this will take longer than 20 working days, the employee will be notified.

